

NORTH CAROLINA

DAVIE COUNTY

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14 EHR 03176

ROBERT BRYAN HAMPTON
Petitioner

Vs.

DAVIE COUNTY ENVIRONMENTAL
HEALTH, N C DEPT OF ENVIRONMENTAL
HEALTH & NATURAL RESOURCES
Respondent

MEMORANDUM OF MEDIATED SETTLEMENT AGREEMENT

The parties hereto stipulate and agree that at the Mediated Settlement Conference held June 25, 2014 in Winston Salem, NC, a full and final agreement of all issues was reached, except those issues expressly set forth below. The terms of the agreement are:

1. DHHS will pay Petitioner \$5000⁰⁰ and will pay to
2. install a sewer system described on the
3. estimate attached as Exhibit A (the Lakey 5-15-14 Estimate),
4. connecting Petitioners to the municipal sewer
5. line for Town of Mocksville. DHHS will pay the tap connection fee.
6. This Agreement is subject to (a) verification by
7. DHHS of the Lakey 5-15-14 Estimate (b) acquisition
8. of utility easements across lands to Mocksville
9. sewer line.
10. Davie County will ~~pay~~ prepare the easement documents
11. for recordation.
12. The payment of \$5000 and installation will occur
13. within 120 days of this Agreement's execution.
14. During the 120 days no action will be taken
15. by respondents for violations occurring with their
16. Petitioners current system. Petitioners will
17. maintain water use consistent with past usage.
18. Davie County will provide and pumping of the
19. system if deemed necessary during the 120 days.

This Agreement resolves any and all claims arising out of the permitting and construction of the on-site waste water system at issue.

8. Issues not settled by this agreement are as follows:

- a. NONE
- b. _____
- c. _____

9. Each of the parties shall bear his/her/their own attorney fees, costs and pro rata share of the costs of this Mediated Settlement Conference.

10. This action shall be concluded by the filing of a ~~consent judgment/voluntary dismissal with prejudice to be prepared by Petitioner's/Respondent's Attorney and presented for filing by Petitioner's/Respondent's Attorney. The consent judgment/voluntary dismissal with prejudice shall be in the form commonly utilized by attorneys in Davis County.~~ Patitioner will file a voluntary dismissal with ^{this agreement with OAH be} ^{Respondent.}

11. Petitioner(s) and Respondent(s) acknowledge that all of the agreements reached in this Mediated Settlement Conference are contained in this Memorandum and that there are no material elements of their agreement not set forth in this Memorandum.

12. The parties and their respective attorneys agree and consent to the Court entering and enforcing an Order based upon the terms and conditions contained in this Agreement.

[Signature]
For Petitioner(s)

[Signature]
Attorney for Petitioner(s)

[Signature]
For Respondent(s)

[Signature]
for DHHS and its agents in Davis County.

[Signature]
Attorney for Respondent(s)

[Signature]
John P. Barkley
for DHHS and its agents in Davis County